

VIA eFILE

PATENT APPLICATION  
Docket No.: 16497.8.3.2.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

VIA *e*FILE Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant gratefully acknowledges the allowance by the Examiner of claims 11-16, 21-25, 27-31, 38-42, 49, 51, 54-56, 60-72, 74, 75, and 81-90. In the statement of reasons for allowance, the Examiner noted that “the art of record when considered alone or in combination neither renders obvious an apparatus and method for positioning a closure device within a passage that in combination with other limitation of the claims, includes a locator member comprising a deflectable element made of a helical wound wire and a control member

comprising a deflectable element fixedly attached to the distal portion of the deflectable element as well as the device buckling at the intermediate portion are not found in the art of record."

Applicant submits that the Examiner's statement appears to at least suggest that patentability of Applicant's invention(s) derives from the combination of the identified limitations recited above. However, Applicant respectfully wishes to clarify that patentability does not depend on a single limitation, or subset of limitations. Rather, the patentability of the invention(s) defined by a claim (or claims) must be considered with reference to the claim as a whole.

Dated this 21st day of October, 2010

Respectfully submitted,

/Paul N. Taylor, Reg.# 57271/  
PAUL N. TAYLOR  
Registration No. 57,271  
Attorney for Applicant  
Customer No. 57360  
Telephone No. 801.533.9800

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